

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

5

First Named Inventor : Edmund J. Fish

Serial No. : 10/685,747

10

Filed : 14 October 2003

Art Unit : 2162

15 Confirmation Number : 6171

Examiner : Colan, Giovanna B.

20

Title : Search Enhancement System with Information
from a Selected Source

Attorney Docket No. : AOL0143

27 October 2008

25 Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

30

**Declaration of Prior Invention to Overcome
Cited Patent or Publication Pursuant to 37 CFR 1.131**

1. My name is Edmund J. Fish.

35

2. I have reviewed the following documents cited by the Examiner:

(a) Ford et al. (U.S. Patent No. 6,963,867 B2, filed March 31, 2003); and

(b) EP 1 288 795 A1 (British Telecommunications, published March 3, 2003).

40

Neither of these documents claims my invention.

3. The earliest effective priority date of above-mentioned reference (a) is December 8, 1999. The earliest effective priority date of above-mentioned reference (b) is March 3, 2003. The conception of the claimed subject matter of my invention occurred prior to the specified date of said reference (b), and was coupled with due diligence from prior to said reference date of said reference (b) to the filing of the above mentioned application. In support of this, I have attached the following documents, Exhibits A-J below.

10 The disclosure document seen in Exhibit B, having an effective date of February 5, 2003, states:

15 "This innovation focuses on improving current search methodologies by allowing a user to specify a user-selected information source to be consulted by a search application when performing a search. In this manner, results from a conventional search engine may be refined or re-organized based on data independently maintained by a ratings service.

20 For example, www.zagats.com is a ratings service for restaurants. When searching for a restaurant using a conventional search engine, a user may find it helpful to filter or sort results based on the Zagats rating. More specifically, the user may wish to display only restaurants with a Zagats rating higher than two, or they may wish to sort all restaurants hits based on the Zagats rating. Similarly, hotels may be filtered or sorted by AAA ratings.

25 One implementation contemplates express entry by the user of information in a search string to enable identification of such a source. In an alternative implementation, a source (e.g., Zagats or AAA) and an appropriate rating for this source (e.g., Zagats = 2) may be associated with a user as part of general user-specified search parameters, which parameters may be consulted automatically for searches for appropriate subject matter. See earlier disclosure entitled "Disclosure (AOL-166).

5 In either case, the results obtained using a conventional search may be compared against the identified source ratings service and filtered or sorted appropriately. This function may be performed by a search engine, or alternatively, it may be performed by an application incorporating a search engine such that no modification is necessary to conventional search engines."

10 Exhibit B therefore clearly establishes conception of the use of information from a user-selected information source comprising a ratings service, wherein the data is independently maintained by the ratings service, since Exhibit B discloses a system and/or process that allows "a user to specify a user-selected information source to be consulted by a search application when performing a search. In this manner, results from a conventional search engine may be refined or re-organized based on data independently maintained by a ratings service", wherein "the results obtained using a conventional search may be compared against the identified source ratings service and filtered or sorted appropriately." Further support that clearly establishes conception is seen throughout Exhibit B, and in Exhibit A, as seen at least in the section entitled
20 "BRIEF DESCRIPTION OF THE INNOVATION".

25 Exhibits A-J, spanning the dates from February 05, 2003 to October 2003), *i.e.* predating above mentioned reference (b), establish conception and due diligence of Claim 1, because such exhibits show "a process implemented across a network, comprising the steps of:

receiving at an application module a search query from a user at a user terminal, the search query comprising at least one search parameter specified by the user;

30 receiving at the application module an identification of at least one ratings service specified by the user, the at least one ratings service external to the application module and accessible to the application module across the network;

responsive to the receipt of the user-specified external ratings services, sending a data query from the application module to at least one of the user-specified external ratings services;

5 receiving rating information at the application module across the network from at least one of the user-specified external ratings services in response to the sent data query, wherein the rating information is independently maintained by the at least one external ratings service;

providing a refined search through the application module, wherein the refinement comprises any of

10 using the received rating information from at least one of the user-specified external ratings services in conjunction with the search parameters received from the user to perform the search,

performing the search with the search parameters received from the user and subsequently refining search results with the received rating information from at least one of the user-specified external ratings services, and

15 performing the search with the search parameters received from the user and subsequently providing any of organizing and sorting of the search results with the received rating information from at least one of the user-specified external ratings services; and

20 returning the results of the refined search from the application module to any of the user at the user terminal and a recipient at a recipient terminal, the recipient other than the user.”

25 As well, Exhibits A-J, spanning the dates from February 05, 2003 to October 2003), *i.e.* predating above mentioned reference (b), establish conception and due diligence of Claim 17, because such exhibits show “a process implemented across a network, comprising the steps of:

30 receiving at an application module a search query from a user at a user terminal, the search query comprising at least one search parameter specified by the user;

soliciting from the user at the user terminal any of an identification and a selection by the user of at least one ratings service external to the application module and accessible to the application module across the network;

responsive to the solicited identification or selection by the user, sending a data query from the application module to at least one of the solicited external ratings services;

5 receiving rating information at the application module across the network from at least one of the solicited external ratings services in response to the data query, wherein the rating information is independently maintained by the at least one external ratings service;

providing a refined search through the application module, wherein the refinement comprises any of

10 using the received rating information from at least one of the solicited external ratings services in conjunction with the search parameters received from the user to perform the search,

performing the search with the search parameters received from the user and subsequently refining search results with the received rating information from at least one of the solicited external ratings services, and

15 performing the search with the search parameters received from the user and subsequently providing any of organizing and sorting of the search results with the received rating information from at least one of the solicited external ratings services; and

20 returning the results of the refined search from the application module to any of the user at the user terminal and a recipient at a recipient terminal, the recipient other than the user.”

Furthermore, Exhibits A-J, spanning the dates from February 05, 2003 to
25 October 2003), *i.e.* predating above mentioned reference (a) and (b), also establish conception and due diligence of Claim 30 because exhibits show “a search enhancement system implemented across a network, comprising:

a search engine;

an application module;

30 at least one ratings service external to the application module and accessible to the application module across the network, the external ratings service comprising any of a secondary source and a supplementary source comprising rating information;

a receipt at the application module from a user at a user terminal of a
35 specification by the user of at least one of the external ratings services;

a receipt at the application module of a search query entered by the user at the user terminal, the search query comprising at least one search parameter specified by the user;

5 a data query sent by the application module over the network, upon receipt of the specification by the user of the external ratings services, to the user-specified external ratings services;

10 a receipt of rating information at the application module from at least one of the user-specified external ratings services over the network in response to the sent data query, wherein the rating information is independently maintained by the at least one external ratings service;

a refined search provided by the application module, wherein the refinement comprises any of

15 using the received rating information from at least one of the user-specified external ratings services in conjunction with the search parameters received from the user to perform the search at the search engine;

20 performing the search at the search engine with the search parameters received from the user and subsequently refining search results with the received rating information from at least one of the user-specified external ratings services, and

25 performing the search at the search engine with the search parameters received from the user and subsequently providing any of organizing and sorting of the search results with the received rating information from at least one of the user-specified external ratings services; and

a return of the results of the refined search from the application module to any of the user at the user terminal and a recipient at a recipient terminal, the recipient other than the user."

30 In addition, Exhibits A-J, spanning the dates from February 05, 2003 to October 2003), *i.e.* predating above mentioned reference (a) and (b), also establish conception and due diligence of Claim 46, because exhibits show "a system implemented across a network, comprising:

an application module;

a search query initiated by a user through a user terminal connected to the network, the search query comprising at least one search parameter specified by the user and received by a search system;

5 a receipt at the application module from the user through the user terminal of a specification of at least one ratings service external to the application module and accessible to the application module across the network, the external ratings services comprising rating information;

10 a data query sent by the application module, responsive to the receipt of the user specification of the external ratings services, to the user-specified external ratings services;

a receipt of rating information at the application module from at least one of the user-specified external ratings services over the network in response to the sent data query, wherein the rating information is independently maintained by the at least one external ratings service;

15 a refined search provided by the application module, wherein the refinement comprises any of

using the received rating information from at least one of the user-specified external ratings services in conjunction with the search parameters received from the user to perform the search,

20 performing the search with the search parameters received from the user and subsequently refining search results with the received rating information from at least one of the user-specified external ratings services, and

25 performing the search with the search parameters received from the user and subsequently providing any of organizing and sorting of the search results with the received rating information from at least one of the user-specified external ratings services; and

30 a return of the results of the refined search from the application module to any of the user at the user terminal and a recipient at a recipient terminal, the recipient other than the user."

4. The Exhibits.

Exhibit A.

February 5, 2003:

5

Item 1) A copy of a disclosure document entitled "(AOL 166) Customizing Search Results by Automatically Integrating Personalized Search Parameters into a Search Strategy".

Exhibit B.

February 5, 2003:

10

Item 1) A copy of a disclosure document entitled "(AOL 167) Customizing Search Results Based on Information Obtained From a Source Identified to the Search Application by the Searching".

15

Exhibit C.

April 3, 2003:

20

Item 1) A copy of an email with Subject: "AOL 166, 167, and 168", which refers to scheduling and coordination of work.

Exhibit D.

September 09, 2003:

25

Item 1) A copy of an email with Subject: "AOL0142/0143 App & Dwgs for review ASAP", which refers to a "review draft of the Application and drawings" sent to Edmund J. Fish on 08/05/03.

30

Attached to the email are documents, including a draft of the Specification with Claims, and Drawings, each dated 05 August 2003:

Item 2) Application Draft Document, 'AOL0142_0143.App.v1.8_5_03.pdf; and

Item 3) Application Drawings Draft Document, 'AOL0142_143.Dwgs.v1.pdf'.

5 **Exhibit E.**

September 29, 2003:

Item 1) A copy of an email dated Sep 29, 2003 with Subject: "Review of
Application & Drawings for AOL0142/AOL 1043 ASAP", with a request for review
10 of documents by Edmund J. Fish.

Exhibit F.

September 29, 2003:

15 Item 1) A copy of an email dated Sep 29, 2003 with Subject: "AOL0142 &
AOL0143 Details for review of Application", having a request for review of
documents by Edmund J. Fish, a request to confirm inventor information, an
attached section entitled "APPLICATION REVIEW GUIDELINES", and an
attached section entitled "DUTY OF DISCLOSURE".

20

Exhibit G.

September 30, 2003:

Item 1) A copy of an email dated Sep 30, 2003 with Subject: "Re: AOL0142 &
25 AOL0143 Details for review of Application", noting comments received from Ed
Fish.

Exhibit H.

October 6, 2003:

30

Item 1) A copy of an email with Subject: "AOL0142 & AOL0143 2nd Draft- Details
for review of Application", with a request for review of a second draft of

Application and Drawings, sent to Edmund J. Fish. The email includes an attached section entitled "APPLICATION REVIEW GUIDELINES", and an attached section entitled "DUTY OF DISCLOSURE".

- 5 Attached to the email are documents, including a draft of the Specification with Claims and Drawings:

Item 2) Application Draft Document, 'AOL0142_0143Appv2', dated 05 Oct 2003; and

10

Item 3) Application Drawings Draft Document, 'AOL0142_0143Dwgspdfv2', dated 06 October 2003.

Exhibit I.

15 October 7, 2003:

Item 1) A copy of a facsimile cover page dated 10/07/03, and pages showing handwritten comments entered on selected pages of 2nd Review Draft of Application for AOL0142/0143.

20

Exhibit J.

October 8, 2003:

25 Item 1) An email with Subject: "AOL0142 & AOL0143 Final Draft of Applications", providing instructions to proceed to filing of the Application, discussing delivery of sets of formal drawings, and noting receipt of approval from Edmund Fish of Application on Oct 7, 2003;

Attached to the email is the following document:

30

Item 2) Application Draft Document, 'AOL0142_0143Appv3.doc'

5. I am one of the inventors that used each of the attached documents shown in Exhibits A-B and D-I.

5 Exhibits A and B contain a description of exemplary embodiments of the invention, were created before March 05, 2003 and show a conception date of the invention prior to the effective date of March 05, 2003 of Reference (b).

Exhibits C-I establish due diligence from conception prior to the prior art of reference to the filing of the patent application.

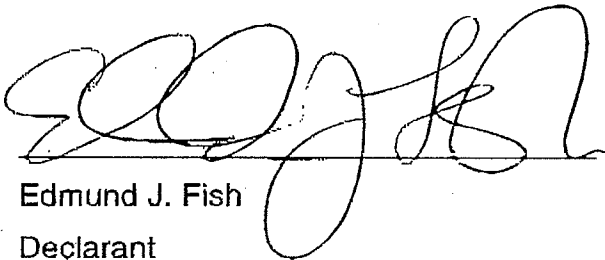
10

6. The above-cited application was subsequently filed on 14 October 2003.

7. I hereby acknowledge that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of my application or any patent issuing thereon. All statements made of my own knowledge are true and all statements made on information or belief are believed to be true.

20

Edmund J. Fish
Declarant



Nov 10 2008
Date